

Topsfield Planning Board

April 2, 2013

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Henry Goudreau and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Gregory St. Louis

51 Fox Run Road: Ms. Knight informed the Board that the peer review site visit took place that morning. Both abutters, David Moniz and Gary Magnant were present as well as developer Mike O'Hara, his engineer James Mac Dowell and Richard Kosian from Beals & Thomas. Mr. Kosian had informed Ms. Knight that he understood the abutter's concerns; some proposed revisions were discussed; and provided the Town with a copy of the latest revised plan. A report with recommendations will be drafted prior to the April 24th meeting.

78 Alderbrook Drive: Project Engineer Gregory St. Louis of the Beals Associates, Inc., the applicant's representative, appeared before the Board to discuss the proposed site improvement plan for 78 Alderbrook Drive and to request the issuance of a Stormwater Management Permit under an eligible exemption since the location of the project was under the jurisdiction of the Conservation Commission. The project was also reviewed by the Zoning Board of Appeals. Subsequently, the applicant filed the application for the permit as directed by the Board. Chairman Morrison summarized the status of the project based on the permit reviews by the Conservation Commission and Zoning Board of Appeals.

Upon review of the documentation and plan, Member Ian De Buy Wenniger made the motion to endorse a Storm Water Management And Erosion Control Plan entitled "Sediment Erosion Control Plan for the Construction of 78 Alderbrook Drive, Topsfield, Massachusetts"; Dated: January 23, 2013; Prepared by: Beals Associates Inc.; Prepared for: John J. Masterson; Owned by: J & J Realty, LLC; showing the stormwater and erosion control engineering design for managing the stormwater run-off and attached Order of Conditions #307-0688, 78 Alderbrook Drive (Map 68, Lot 23); and that the Planning Board's grant of said special permit is subject to the following conditions:

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan "Sediment Erosion Control Plan for the Construction of 78 Alderbrook Drive, Topsfield, Massachusetts", dated January 23, 2013.
2. Inspection of any proposed interceptor drains, trenches, swales or devices during construction by Highway Superintendent/Stormwater Coordinator David Bond.

3. Subject to the Topsfield Conservation Commission's Order of Conditions, #307-0688; a copy of which is on file in the Conservation Commission Office.

Seconded by Member Henry Goudreau; so voted 5-0.

Member Ian De Buy Wenniger noted his concern that although there were some provisions in the Order of Conditions relative to operations and maintenance, it did not meet all the requirements of the Stormwater Rules & Regulations. He suggested that the Planning Board change the "shall" to "may" in the regulations relative to the issuance of a stormwater management permit under any of the waiver provisions. The Board members agreed and will address this issue upon the convening of a public hearing in the near future.

PUBLIC HEARING

Zoning Amendment Articles for the May 7, 2013 Annual Town Meeting

At 8:25PM, Chairman Morrison opened the public hearing to consider the following proposed amendment to the Topsfield Zoning By-law for the May 7, 2013 Annual Town Meeting. Clerk Janice Ablon read the legal notice for the record.

Temporary Moratorium on Medical Marijuana Treatment Centers: Amends Article I Definitions by adding definition of "Medical Marijuana Treatment Center" and revises Article VII Special Regulations by adding a new sub-section 7.04 "Temporary Moratorium Marijuana Treatment Centers", which establishes a moratorium on the establishment of said Treatment Centers. This will provide the Town with sufficient time to consider yet to be promulgated State Department of Public Health regulations relative to these uses, and enact zoning provisions that are not inconsistent with sound planning and land use objectives or applicable law.

The Board reviewed the proposed amendment. Chairman Morrison made a summary presentation of the proposed temporary moratorium. Ms. Morrison noted that as discussed in past Planning Board meetings this option was the best solution to allow the Town sufficient time to consider the yet to be issued state regulations relative to these uses, and enact zoning provisions that are consistent with sound planning and land use objectives. Ms. Morrison noted the recent Attorney General's decisions that approved a temporary moratorium for the Town of Burlington, but did not approve the total "ban" of said centers by the Town of Wakefield. It was also noted that other towns in the local area are following this option.

The Board discussed the effective dates of the moratorium; however, the consensus was to keep the June 30, 2014 date in place. The Board then discussed the legal commitment of the proposed language in sub-section B of section 7.04 "Temporary Moratorium on

Medical Marijuana Treatment Centers”. After a review of the language, Member Henry Goudreau made the motion to amend the last sentence by retaining the first shall, adding the second shall and deleting the third shall for the sentence to read as follows:

“During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the town, shall consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and to (~~shall~~) consider adopting new Zoning Bylaws to address the impact and operation of medical marijuana treatment centers and related uses.”

Seconded by Clerk Janice Ablon.; so voted 5-0.

Chairman Morrison entertained a motion to close the public hearing. Member Ian De Buy Wenniger made the motion to close the public hearing; seconded by Member Steven Hall.

For specific details refer to the attached Public Hearing Proposed Zoning Document dated April 2, 2013.

Deliberation and Vote of the Board:

Warrant Article Forty-Fourth: Section 7.04 Temporary Moratorium on Medical Marijuana Treatment Centers: Member Steven Hall made the motion to recommend and approve the zoning warrant article amendment for new Sub-Section 7.04 Temporary Moratorium on Medical Marijuana Treatment Centers as amended and described above; and further to amend the Table of contents by adding section “7.04, Temporary Moratorium on Medical Marijuana Treatment Centers”; seconded by Member Henry Goudreau; so voted 5-0.

It was agreed that Member Steven Hall would make the recommendation at Town Meeting for the Temporary Moratorium. Member Ian De Buy Wenniger would respond to any legal questions.

The meeting was adjourned at 9:17 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator